

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LORRIE McCONNELL,

Plaintiff,

v.

PETER WOODS, et al.,

Defendants.

2:05-cv-00996-BES-LRL

ORDER

Acting *pro se*, Plaintiff filed a Complaint that was dismissed without prejudice, with leave to amend, for failure to state a claim upon which relief can be granted. (Order (#6)). Having considered Plaintiff's Amended Complaint (#7), the Magistrate Judge entered a Report and Recommendation (#8) on August 24, 2006. No objections to this recommendation have been filed. For the following reasons, this Court adopts and accepts the Magistrate Judge's Report and Recommendation (#8).

I. Discussion

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1) (2005). Further, under 28 U.S.C. § 636(b)(1), if a party makes a timely objection to the magistrate judge's recommendation, then this Court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made."¹ *Id.* Nevertheless,


¹ For an objection to be timely, a party must serve and file it within 10 days after being served with the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1) (2005).

1 the statute does not “require[] some lesser review by [this Court] when no objections are filed.”
2 Thomas v. Arn, 474 U.S. 140, 149–50 (1985). Instead, under the statute, this Court is not
3 required to conduct “any review at all . . . of any issue that is not the subject of an objection.”
4 Id. at 149. Similarly, the Ninth Circuit has recognized that a district court is not required to
5 review a magistrate judge’s report and recommendation where no objections have been filed.
6 See United States v. Reyna-Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
7 of review employed by the district court when reviewing a report and recommendation to which
8 no objections were made); see also Schmidt v. Johnstone, 263 F.Supp. 2d 1219, 1226 (D.
9 Ariz. 2003) (reading the Ninth Circuit’s decision in Reyna-Tapia as adopting the view that
10 district courts are not required to review “any issue that is not the subject of an objection.”).
11 Thus, if there is no objection to a magistrate judge’s recommendation, then this Court may
12 accept the recommendation without review. See e.g., Johnstone, 263 F.Supp. 2d at 1226
13 (accepting, without review, a magistrate judge’s recommendation to which no objection was
14 filed).

15 In this case, Plaintiff has not filed an objection to the Magistrate Judge’s Report and
16 Recommendation. Because no objections were filed, this Court is not required to review the
17 Report and Recommendation, and therefore accepts it. Accordingly,

18 IT IS HEREBY ORDERED that this Court adopts and accepts the Magistrate Judge’s
19 Report and Recommendation (#8). Accordingly, Plaintiff’s complaint is dismissed with
20 prejudice.

21 DATED: This 2nd day of October, 2006.

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25 UNITED STATES DISTRICT JUDGE
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